

Respectfully submitted,

JACKSON WALKER LLP

By: /s/ Charles L. Babcock

Charles L. Babcock

Texas State Bar No. 01479500

cbabcock@jw.com

Joel R. Glover

Texas State Bar No. 24087593

jglover@jw.com

Javier Gonzalez

Texas State Bar No. 24119697

jgonzalez@jw.com

1401 McKinney Street, Suite 1900

Houston, Texas 77010

(713) 752-4200 – Phone

(713) 752-4221 – Fax

Matt Dow

Texas State Bar No. 06066500

mdow@jw.com

Adam W. Aston

Texas State Bar No. 24045423

aaston@jw.com

100 Congress Ave., Suite 1100

Austin, Texas 78701

(512) 236-2056 – Phone

(512) 691-4456 – Fax

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on April 17, 2023, I caused a copy of the foregoing pleading to be served upon counsel of record for all parties in compliance with the Federal Rules of Civil Procedure.

/s/ Charles L. Babcock

Charles L. Babcock

**OBJECTIONS AND RESPONSES TO
PLAINTIFF'S DEPOSITION ON WRITTEN QUESTIONS**

DEPOSITION QUESTION NO. 1. During the time period from June 30, 2022, through September 1, 2022, did Jay Hartzell ever communicate with you concerning anything Richard Lowery said during his appearance on the Richard Hanania (CSPI) podcast?

ANSWER: No.

DEPOSITION QUESTION NO. 2. During the time period from June 30, 2022 through September 1, 2022, did Jay Hartzell ever communicate with you concerning anything that Richard Lowery wrote in any online medium?

ANSWER: No.

DEPOSITION QUESTION NO. 3. If you answered yes to either of the preceding questions, please identify when you communicated with Jay Hartzell.

ANSWER: Not applicable.

DEPOSITION QUESTION NO. 4. Please describe in detail the contents of any communications with Jay Hartzell referenced in response to the preceding questions.

ANSWER: Not applicable.

DEPOSITION QUESTION NO. 5. During the time period from June 30, 2022, through September 1, 2022, did anyone other than Jay Hartzell communicate with you concerning anything Richard Lowery said during his appearance on the Richard Hanania (CSPI) podcast?

ANSWER: Yes.

DEPOSITION QUESTION NO. 6. During the time period from June 30, 2022, through September 1, 2022, did anyone other than Jay Hartzell communicate with you concerning anything that Richard Lowery wrote in any online medium?

ANSWER: Yes.

DEPOSITION QUESTION NO. 7. If you answered yes to either of the preceding two questions, please identify all persons who communicated with you concerning what Richard Lowery said or wrote.

ANSWER:

- a) Professor Meeta Kothare
- b) Professor Laura Starks
- c) Ivy Oliver (former Chief Marketing Officer)

- d) Professor Ethan Burris (Senior Associate Dean, Academic Affairs)
- e) Jeff Graves (Chief Compliance Officer)
- f) Ty Henderson (Associate Dean for McCombs School Undergraduate Program)
- g) Mike Rosen (University Communications)
- h) Bob Rowling, Charles Holley, and Ken Aboussie (University alumni/donors)
- i) Professor Justin Dyer (Civitas Institute)
- j) Amanda Cochran-McCall, Adam Biggs (University counsel)
- k) Warren J. Hahn (Associate Dean for McCombs Graduate Program (MBA))
- l) Wendy Anderson (Chief Development Officer for McCombs)
- m) Doug Duke (TEXAS Development)

DEPOSITION QUESTION NO. 8. Please describe in detail the contents of any communications with any of the individuals identified in response to the preceding question.

ANSWER: Defendant is instructed not to answer this question based on the attorney-client privilege only as to the contents of any communications with counsel. Defendant otherwise responds as follows:

Format	Names	Date	Summary
In-person meeting	Mills, Burris	On or around 8/9/22	I stated that McCombs wants to support and cooperate with the new Civitas Institute, so it is reasonable to expect Professor Lowery, an Associate Director of the Salem Center, to cooperate with Civitas and to stop urging his supporters not to donate money to UT or claim that UT has stolen their money. Dean Burris and I agreed that faculty members can freely express public opinions when speaking in their private, individual capacity. Burris and I further discussed how to address such expectations with Lowery's supervisor at the Salem Center, Professor Carlos Carvalho.
Email	Mills, Burris, Graves, other UT Austin Compliance staff (Jason Garcia, Hillary Brown, Jamie Davis)	8/9/22	Email from Graves to me and Dean Burris forwarding an anonymous email asking the Compliance Office and Faculty Council to review Hanania podcast interview (Lessons from the Frontlines of the University Wars) for potential violations of ethical standards. Graves stated this complaint appears to be a personnel issue for Dean Burris and me to review. I did not respond.

Format	Names	Date	Summary
Email	Mills, Rowling	8/11/22	I received an email from Rowling expressing concerns about issues raised in an August 11, 2022 College Fix article entitled “Business school professors advised to warn students about possible curriculum-induced trauma.” The article included statements made by Lowery on Twitter and to the article’s author criticizing University guidance on syllabus elements. I responded to thank Rowling for his concerns and to address misleading aspects of the article.
Email and in person	Ty Henderson	8/11/22	After I saw Ty Henderson in the hallway and told him about Professor Lowery’s syllabus tweet, he forwarded an email exchange he had with Sheridan Titman on August 10, 2022 citing the “Land Acknowledgement” as an example of verbiage that seems unrelated to their courses. Ty replied that given the many syllabus changes by UT after the onset of COVID-19, he thought faculty would find it useful to have a single document on the Provost’s Office website reflecting UT’s guidance on syllabus elements. Ty said he had used Provost-approved language categorizing syllabus elements as either 1) required, 2) highly recommended or 3) discretionary.
Email	Mike Rosen	8/12/22	Mike Rosen emailed talking points about the syllabus issue to me and others. I did not email or talk with him individually beyond a “nicely done” reply.
In-person meeting	Mills, Burris, Carvalho	8/12/22	This was an in-person meeting between me, Dean Burris, and Professor Carvalho. Dean Burris stated that criticisms of the origins, operation and director of Civitas Institute are impairing the desired functional relationship between Civitas and McCombs, and impeding the operations of McCombs, including its fundraising ability. We discussed how Professor Lowery’s statements urging

Format	Names	Date	Summary
			<p>people to stop donating to universities and claiming that taxpayer money is being stolen by grifters and that President Hartzell is paid to be good at lying to conservative donors and politicians are inaccurate, misleading, and obstructing university operations. Carvalho characterized Lowery's statements as opinions, not facts. I asked Carvalho to discuss with Lowery his comments that are factually inaccurate and disruptive to operations. Carvalho said he has no way to persuade Lowery to stop making such comments and claimed that Professor Titman said that "Jay and Lil want Richard to shut up." Burris and I clarified that this is not anyone's position; instead, we expect functional operating relationships to exist between Civitas, the Salem Center, and other McCombs centers or institutions. Carvalho stated that he is not comfortable providing expectations to Lowery and recommended that Burris would have a better chance of success communicating with Lowery about this. I also relayed my expectations for professionalism and reasonable respect for chain-of-command regarding college communications; faculty members (especially center leaders) should exercise good judgment and professionalism in resolving issues and should try to resolve workplace disagreements through internal processes (such as through department chairs or associate deans) rather than first communicating workplace disagreements on platforms like Twitter.</p>
Phone call	Ken Aboussie	8/13/22	<p>Ken Aboussie called about an article raising the syllabus issue. I listened, then explained that the land acknowledgement statement was optional under UT's syllabus guidelines not mandatory. I pointed out that Lowery's August 10, 2022 tweet and the subsequent interview and articles implied that McCombs was</p>

Format	Names	Date	Summary
			creating new policy or urging new levels of adoption, neither of which was true.
Phone call	Charles Holley	On or around the week of 8/15/22.	Charles Holley called about the article raising the syllabus issue. I listened, then explained that these are UT guidelines, not requirements. I pointed out that Lowery's August 10, 2022 tweet and the subsequent interview and articles implied that McCombs was creating new policy or urging new levels of adoption, neither of which was true.
Email	Warren J. Hahn	8/16/23	Email from Hahn suggesting that emphasizing the distinction between required, recommended, and discretionary categories of syllabus items should help explain the syllabus issue. I replied that the original template Ty Henderson circulated to professors teaching undergraduate students had already done so.
Email	Oliver, Mills	8/16/22	Oliver forwarded me an email chain sent to her by a UT gift officer about a donor who was concerned about an August 11, 2022 Texas Scorecard article entitled "UT Urges business Professors to Give Content Warning to Potentially Offended Students." The article contained quotations from "tweets" made by Lowery criticizing guidance on syllabus elements and pronoun usage, and urging his supporters not to donate to universities. Oliver checked with Mike Rosen (UT Communications) via a separate email regarding further guidance and provided talking points to UT's gift team about the syllabus issue.
Email	Mills, Anderson, Duke	8/17/22	I wrote to Anderson and Duke that I was happy to talk to donors who expressed concern over the syllabus issue. Anderson thanked me, stated she would provide Doug with talking points, and offered to arrange a donor call if needed.

Format	Names	Date	Summary
Email	Kothare, Mills, Hales	8/22/22	Email from Kothare to Mills (copying Professor Jeffrey Hales (Executive Director of the Global Sustainability Leadership Institute)) about GSLI.
Email	Mills, Starks	8/23/22	Email from Starks forwarding email chain involving Kothare, Titman, Hales and Starks discussing Lowery tweets about Leadership in Global Sustainability Minor and GSLI. I did not respond.
Text or phone call	Various UT Austin deans	various	Various deans across campus sometimes text or call me when articles, tweets, podcasts or other communications criticizing McCombs or me are published. I recall receiving supportive texts or calls from campus colleagues in connection with statements made by Lowery in the summer of 2022, but I cannot recall who sent them, when they were made, or what the specific details were.
Phone calls	Mills, Dyer	July-August 2022	I had several telephone calls in July or August 2022 with Professor Dyer regarding statements made by Lowery about the Civitas Institute, including statements made on the Hanania podcast interview. I asked Dyer how we could minimize challenges caused to Civitas that might result from Lowery's public statements about it, because I wanted to support Dyer and the Civitas Institute. Dyer said he would continue his collegial outreach to Professor Carvalho, and I said I would continue my public statements of support for Civitas.

DEPOSITION QUESTION NO. 9. During the time period from June 30, 2022 through November 1, 2022, did you ever exchange text messages with Jay Hartzell concerning Richard Lowery?

ANSWER: No.

DEPOSITION QUESTION NO. 10. If you had any communications with Meeta Kothare concerning Richard Lowery during the month of August 2022, please describe the contents of all of those communications in detail.

ANSWER: The only communication I had with Meeta Kothare concerning Richard Lowery during the month of August 2022 was Dr. Kothare's August 22, 2022 email to me described in the answer to Question No. 8 above and attached as Exhibit N to Plaintiff's Motion for Preliminary Injunction.

DECLARATION OF DEFENDANT LILLIAN MILLS

I, Lillian Mills, declare and state as follows:

My name is Lillian Mills. I am a defendant in this lawsuit. My answers to Plaintiff Richard Lowery's Deposition on Written Questions are within my personal knowledge and are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 17, 2023.

DocuSigned by:
Lillian Mills
CF1FD7D7BF8840C...

Lillian Mills